

Testimony on HB455
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This testimony is in regards to House Bill 455. I have sat in on most of the water bill that has been in both the House and the Senate. The issue of water, water rights, mitigation, wet lands, and the list goes on and on. The complexity of each issue can be very overwhelming. There are several bills that are designed to address the multiple issues that need to be addressed. SB-303 is going to establish a water committee. Senator Murphy has a bill to establish a water committee for other reasons too. There are several bills addressing wet lands and former wet lands. This bill should be left to experts on water and committees that have the knowledge to deal with this.

As to this bill, It is very vaguely written and so broad that it has the potential to encompass far more than it should. The streamside management issues alone are left open ended so as to allow more land to be involved than is necessary. This will affect land owners rights as well as impact businesses. On the surface it appears to address sub divisions and developments but because of the wording there will be issues of jurisdiction and judgments.

The state divisions that currently handle such things as Soils, Vegetation, and Habitat are really not addressed here. The bill is so broadly worded with good intent yet it leaves so many open questions of what is really needed or desired that I see this as forever being in court. The public is left hanging on who will decide what is needed and what actions to take. The courts will be overwhelmed with litigation because an person can read into this what their interests would want to be covered by the bill.

The use of political subdivisions and political directions referred to in this bill place a lot of pointing fingers toward the Legislature that will become a nightmare for years to come.

SB-303 covers all the main water basins in the state and will be far more capable of addressing the unique issues rather than this bill. I know that the sponsor believes this will clarify and study the possible problems. I see it being used as a tool for constant litigation and property owners the losers both financially and personally.

Without spending much time on details, this bill is an effort to establish, "set back", requirements for Riparian zones along streams and rivers. It steps all over private property rights and is painted with such broad language that nobody is safe from it. Some may argue it's intent is only to address future development but because it provides such broad power to the city and county, it could be used as a means to impose unreasonable control on property holders. Smurfit Stone which is located on the Clark Fork River since 1959 may be subjected to future regulations not yet fully developed that could create a situation that could no longer let them stay in business. The rules would be addressed because of the shore line along the Clark Fork river. This is dangerous legislation and

there needs to be far more thought and expertise involved before this body acts on such legislation for the future of Montana.

Streamside Management Area means an area of varying width and adjacent to a river or stream. These areas could be very different from vegetation buffers and how these effect habitat. It seems to require a 150 foot buffer that cannot always be met because of terrain. How is this going to be addressed is not answered here. The size and scope of these buffers zones and stream sides is ambiguous. Definition on all these issues is missing or a plan to address them.

I urge you to leave the water issues to those who understand them and don't give the courts more than they can handle. Please leave this bill on the table